IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 15791 of 2004(E)

PETITIONER:

AMEEN POTTACHIRA, POTTACHIRA HOUSE,
SAMATHA NAGAR, P.O. VALAVANNUR, MALAPPURAM.

BY ADV. SRI.B.RAGUNATHAN
SRI.V.V.MATHEW
SRI.G.GOPALAKRISHNA PILLAI

RESPONDENTS:
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1. **KERALA PUBLIC SERVICE COMMISSION REPRESENTED BY SECRETARY, KERALA PUBLIC SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM-695 004.**

2. **STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

3. **DIRECTOR, HIGHER SECONDARY EDUCATION, HOUSING BOARD BUILDING, THIRUVANANTHAPURAM-695 001**

BY ADV. SRI. P.C.SASIDHARAN, SC, KPSC
BY GOVT.PLEADER SMT. R.BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/01/2007 ALONG WITH WPC.NO.5346 OF 2004, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).Nos.15791 of 2004-E & 5346 of 2004-J

Dated this the 22nd day of January, 2007

JUDGMENT

W.P.(C).No.15791 of 2004

The petitioner was a candidate for appointment to the post of H.S.S.T and H.S.S.T. (Junior) in the subject Journalism in the Higher Secondary Education Department. The petitioner was having requisite qualifications, as per the Special Rules. His B.Ed degree was in Arabic and he was entitled to be considered in the absence of B.Ed degree in Journalism or in the Faculty of Social Science. The petitioner submits there were altogether only 5 candidates for H.S.S.T and 3 candidates for H.S.S.T. (Junior). Therefore, he was also liable to be called for interview. But, when he was not called for interview, he enquired with the P.S.C. office and he was told that persons with B.Ed in Journalism and in the Faculty of Social Science alone are called for interview. Feeling aggrieved by the said stand of the respondents, this writ petition was filed.

2. When the writ petition came up for admission, the petitioner submits that the stand taken by the P.S.C. was that

since his B.Ed was in Arabic, he was ineligible for calling interview. Later, a counter affidavit has been filed stating that the petitioner has been called for interview, but he did not turn up. The petitioner has filed a reply affidavit dealing with the averments in the counter affidavit and reiterating that no intimation whatsoever was given to him for the interview. The publication given in the newspapers were general and vague and it was not clear as to which post interview is being held.

3. The learned Standing Counsel for the P.S.C. pointed out that the rank list was published on 14-6-2004 and the main list expired on 12-6-2005. As a result no further candidate could be advised from the said list. Therefore, the P.S.C. prays for dismissal of the writ petition.

4. There was no interim order to interview the petitioner. Now at this distance of time it may not be proper for this Court to interview the petitioner and include him in the rank list which has already expired for all practical purposes. Therefore, owing to efflux of time, no relief could be granted to the petitioner. Accordingly, the writ petition is closed as infructuous.

W.P.(C.)No.5346 of 2004:

5. The petitioner was a candidate who applied for the post of H.S.S.T. and H.S.S.T. (Junior) in the subject of Journalism. He was not having B.Ed degree. The petitioner submits, in the absence of sufficient number of candidates with B.Ed qualification, he should also have been called for interview and a separate list could have been published so that candidates from that list could be advised after exhausting the candidates in the list with B.Ed qualification. There was no interim order directing the P.S.C. to interview the petitioner. The learned Standing Counsel for the P.S.C. pointed out that the rank list which was published on 14-6-2004 practically expired on 12-6-2005 as the main list exhausted on the said date. In view of the above position, no effective relief could be granted now. Accordingly, the writ petition is closed as infructuous.

K.BALAKRISHNAN NAIR,JUDGE.

MS